

Hearing Date: September 20, 2023, at 10:00 a.m. (ET)

Objection Deadline: July 14, 2023

Reply Deadline: August 18, 2023

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Tel.: (212) 351-4000

Marshall R. King

Gabriel Herrmann

Keith R. Martorana

Attorneys for the UBS Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE (f/k/a UBS (LUXEMBOURG)
S.A.), UBS FUND SERVICES (LUXEMBOURG)
S.A., UBS THIRD PARTY MANAGEMENT
COMPANY S.A., M&B CAPITAL ADVISERS
SOCIEDAD DE VALORES, S.A., RELIANCE
INTERNATIONAL RESEARCH LLC,
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS, as represented by their Liquidators
MAÎTRE ALAIN RUKAVINA and PAUL
LAPLUME, MAÎTRE ALAIN RUKAVINA and

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Proc. No. 10-05311 (CGM)

ORAL ARGUMENT REQUESTED

PAUL LAPLUME, in their capacities as liquidators
and representatives of LUXEMBOURG
INVESTMENT FUND AND LUXEMBOURG
INVESTMENT FUND U.S. EQUITY PLUS,

Defendants.

**NOTICE OF HEARING ON THE UBS DEFENDANTS’
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, on May 5, 2023, Defendants UBS Europe SE, Luxembourg Branch (f/k/a UBS (Luxembourg) S.A.) (“**UBS Lux**” or “**UBS SA**”), UBS Fund Services (Luxembourg) S.A. (“**UBSFSL**”), and UBS Third Party Management Company S.A. (“**UBSTPM**”) (collectively, “**UBS**” or the “**UBS Defendants**”), by and through their undersigned counsel, filed a motion (the “**Motion**”) to Dismiss the Second Amended Complaint filed in the above-captioned adversary proceeding on February 24, 2023 at ECF No. 284 (the “**Second Amended Complaint**”), by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“**BLMIS**”) and the chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure. The Motion will be heard before the Honorable Cecelia G. Morris, United States Bankruptcy Judge for the United States Bankruptcy Court for the Southern District of New York, on **September 20, 2023 at 10:00 a.m. (Eastern Time)** (the “**Hearing**”), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’ guidelines for remote appearances and are required to make arrangements in advance to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451-6367. Further instructions regarding remote appearances

via ZoomGov can be found on the Court's website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that, if you oppose the relief requested in the Motion you are required to file a written response (“**Response**”), and to serve the Response on the UBS Defendants’ undersigned counsel so that it is received by **July 14, 2023** (the “**Response Deadline**”). The UBS Defendants will file any reply papers in further support of the Motion on or before **August 18, 2023**.

PLEASE TAKE FURTHER NOTICE that, if no Response is timely served with respect to the Motion, the UBS Defendants may, on or after the Response Deadline, submit to the Bankruptcy Court a proposed order granting the relief sought in the Motion.

PLEASE TAKE FURTHER NOTICE that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the UBS Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: May 5, 2023
New York, New York

Respectfully Submitted,

GIBSON, DUNN & CRUTCHER LLP

/s/ Marshall R. King

Marshall R. King

Gabriel Herrmann

Keith R. Martorana

200 Park Avenue
New York, New York 10166
Tel.: (212) 351-4000
mking@gibsondunn.com
gherrmann@gibsondunn.com
kmartorana@gibsondunn.com

Attorneys for the UBS Defendants